

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,**

**Plaintiff,**

**vs.**

**ELON MUSK,**

**Defendant.**

Civil Action No. 1:18-cv-8865-AJN-GWG

**UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,**

**Plaintiff,**

**vs.**

**TESLA, INC.,**

**Defendant.**

Civil Action No. 1:18-cv-8947

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S NOTICE OF CONSENT  
MOTION TO CONSOLIDATE FOR DISTRIBUTION PURPOSES**

PLEASE TAKE NOTICE that upon the accompanying Consent Motion, Memorandum, and Proposed Order, and all other papers and proceedings herein, Plaintiff, the Securities and Exchange Commission, will move this Court for an Order consolidating the above actions for distribution purposes pursuant to Federal Rule of Civil Procedure 42.

Dated: February 5, 2019

Respectfully Submitted,

/s/ E. Barrett Atwood  
E. Barrett Atwood  
Cheryl L. Crumpton

U.S. Securities and Exchange Commission  
44 Montgomery Street, Suite 2800  
San Francisco, CA 94104  
(415) 705-2467 (Atwood)

100 F Street, N.E.  
Washington, D.C. 20549  
(202) 551-4459 (Crumpton)

**CERTIFICATE OF SERVICE**

I, E. Barrett Atwood, Counsel for The United States Securities and Exchange Commission, certify that on February 5, 2019, a true and correct copy of Plaintiff's Notice of Consent Motion was served electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ E. Barrett Atwood  
E. Barrett Atwood

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**ORDER TO CONSOLIDATE ACTIONS FOR DISTRIBUTION PURPOSES**

The Court having reviewed the Securities and Exchange Commission's consent motion to consolidate actions and for good cause shown,

IT IS HEREBY ORDERED:

1. Pursuant to Final Judgments entered in these two Securities and Exchange Commission ("SEC") enforcement actions, Defendants Elon Musk and Tesla, Inc. have paid penalties in the total amount of \$40,000,000.00. These funds were paid into an interest-bearing account at the Bureau of Fiscal Services of the U.S. Treasury Department (the "Distribution Funds"). Each final judgment provides, in part, that the Distribution Funds may be distributed pursuant to the Fair Fund provisions of the Section 308(a) of the Sarbanes-Oxley Act of 2002, as amended by the Dodd-Frank Act of 2010, 15 U.S.C. § 7246(a).

2. The Court hereby orders that the above-captioned actions are consolidated for the purposes of distribution of funds to harmed investors.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Alison J. Nathan  
UNITED STATES DISTRICT JUDGE